

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Wesley Harris, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**Introduction**

1. I am a Postal Inspector with the United States Postal Inspection Service, working in the Kansas City Domicile of the USPIS, and I have been so employed since January 2013. Previously, I was employed as a police officer and detective with the Kansas City Missouri Police Department, beginning in December 2002. In both capacities, I have responded to and investigated numerous financial crimes, including mail theft, check forgery and identity theft. I have also conducted and participated in searches for fugitives.

**Jurisdiction**

2. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 USC § 2711, 18 USC § 2703(a), (b)(1)(A), and (c)(1)(A). Specifically, the court is “a district court of the United States...that – has jurisdiction over the offense being investigated,” 18 USC § 2711(3)(A)(i). Pursuant to 18 USC § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. As set forth below, the above-listed location is believed to contain items, more fully described in Attachment B, which will assist in locating a federal fugitive.

**Probable Cause**

3. This affidavit is made in support of an application for a search warrant for information related to a certain Instagram User ID which is associated with a suspect of a criminal investigation, specifically related to violations of Title 18 USC §§ 1708 (Mail Theft), 1344 (Bank Fraud), and 1028A (Aggravated Identity Theft). The information is stored at the

premises controlled by Instagram, LLC (“Instagram”), a social networking company headquartered at San Francisco, California. The information and Instagram User ID to be searched are identified below and in Attachment A, to wit:

**“wavedaperfectionist27”; Instagram User ID 190121343;**

**<https://www.instagram.com/wavedaperfectionist27>**

4. On May 2, 2018, a Western District of Missouri grand jury returned a 43-count indictment against Branden P. BELVIN, 18-00110-01/08-CR-W-BP, and seven additional co-conspirators. In conjunction with the indictment, an arrest warrant was issued for BELVIN.

5. On several occasions, attempts have been made at homes belonging to BELVIN’s family members in Moreno Valley, CA, to locate and arrest BELVIN. BELVIN’s mother was provided a copy of the arrest warrant, and she said she spoke with BELVIN about it.

Additionally, after the warrant was issued, a defense attorney contacted the Western District of Missouri United States Attorney’s Office to inquire on BELVIN’s behalf. BELVIN has been a fugitive for more than three months, and has not attempted further contact with law enforcement.

6. During the course of the investigation, it was discovered BELVIN referred to himself by a SnapChat social media moniker of “Wave the 5 Star King.” It was also discovered BELVIN used an Instagram account with the name “Wave” in the username.

7. A review of publicly viewable Instagram information reveals a current private Instagram account with the Username **“wavedaperfectionist27”**, with a subtitle of **“5 star (represented by an image of a star) YOUNG GENERAL”**. The Instagram account has a profile picture showing the neck and torso of a dark skinned male with numerous tattoos. One of the tattoos says “King,” and immediately to the right of that tattoo is a numeral “2”.

8. A review of BELVIN's mother's publicly viewable Facebook page reveals she posted photos with herself and BELVIN. Both BELVIN and his mother are recognizable. BELVIN's neck is visible in the photos, and his tattoos clearly match the tattoos shown on the Instagram account **"wavedaperfectionist27"**.

9. A review of the publicly viewable **"wavedaperfectionist27"** Instagram account indicates it has been active between the dates of August 23, 2018, and August 27, 2018, as the number of other Instagram accounts followed by **"wavedaperfectionist27"** increased by two during those dates.

10. It is believed BELVIN is in control of, and is accessing the **"wavedaperfectionist27"** Instagram account, and it is believed information provided by Instagram, LLC., will assist with locating and arresting BELVIN, a federal fugitive.

#### **Information Available from Instagram**

11. From my review of publicly available information provided by Instagram about its service, including Instagram's "Privacy Policy," I am aware of the following about Instagram and about the information collected and retained by Instagram.

12. Instagram owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.instagram.com>. Instagram is a wholly owned subsidiary of Facebook. Instagram allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and other information. Users can access Instagram through the Instagram website or by using a special electronic application ("app") created by the company that allows users to access the service through a mobile device.

13. Instagram permits users to post photos to their profiles on Instagram and otherwise share photos with others on Instagram, as well as certain other social-media services,

including Flickr, Facebook, and Twitter. When posting or sharing a photo on Instagram, a user can add to the photo: a caption; various “tags” that can be used to search for the photo (e.g., a user made add the tag #vw so that people interested in Volkswagen vehicles can search for and find the photo); location information; and other information. A user can also apply a variety of “filters” or other visual effects that modify the look of the posted photos. In addition, Instagram allows users to make comments on posted photos, including photos that the user posts or photos posted by other users of Instagram. Users can also “like” photos.

14. Upon creating an Instagram account, an Instagram user must create a unique Instagram username and an account password. This information is collected and maintained by Instagram.

15. Instagram asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their user profile. This information may include the user’s full name, e-mail addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Instagram. Once an account is created, users may also adjust various privacy and account settings for the account on Instagram. Instagram collects and maintains this information.

16. Instagram allows users to have “friends,” which are other individuals with whom the user can share information without making the information public. Friends on Instagram may come from either contact lists maintained by the user, other third-party social media websites and information, or searches conducted by the user on Instagram profiles. Instagram collects and maintains this information.

17. Instagram also allows users to “follow” another user, which means that they receive updates about posts made by the other user. Users may also “unfollow” users, that is, stop following them or block the, which prevents the blocked user from following that user.

18. Instagram allow users to post and share various types of user content, including photos, videos, captions, comments, and other materials. Instagram collects and maintains user content that users post to Instagram or share through Instagram.

19. Instagram users may send photos and videos to select individuals or groups via Instagram Direct. Information sent via Instagram Direct does not appear in a user’s feed, search history, or profile.

20. Users on Instagram may also search Instagram for other users or particular types of photos or other content.

21. For each user, Instagram also collects and retains information, called “log file” information, every time a user requests access to Instagram, whether through a web page or through an app. Among the log file information that Instagram’s servers automatically record is the particular web requests, any Internet Protocol (“IP”) address associated with the request, type of browser used, any referring/exit web pages and associated URLs, pages viewed, dates and times of access, and other information.

22. Instagram also collects and maintains “cookies,” which are small text files containing a string of numbers that are placed on a user’s computer or mobile device and that allows Instagram to collect information about how a user uses Instagram. For example, Instagram uses cookies to help users navigate between pages efficiently, to remember preferences, and to ensure advertisements are relevant to a user’s interests.

23. Instagram also collects information on the particular devices used to access Instagram. In particular, Instagram may record “device identifiers,” which includes data files and other information that may identify the particular electronic device that was used to access Instagram.

24. Instagram also collects other data associated with user content. For example, Instagram collects any “hashtags” associated with user content (i.e., keywords used), “geotags” that mark the location of a photo and which may include latitude and longitude information, comments on photos, and other information.

25. Instagram also may communicate with the user, by email or otherwise. Instagram collects and maintains copies of communications between Instagram and the user.

### **Conclusion**

26. I anticipate executing the search warrant requested above pursuant to 18 USC § 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the search warrant to require Instagram, LLC., to disclose to the Government copies of the records and other information particularly described in Attachment B. Upon receipt of the information described in Attachment B, government-authorized persons will review that information to locate the items described in Attachment B.

27. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

28. Based on the facts set forth in this affidavit, there is probable cause to believe BELVIN is currently a fugitive and is currently accessing the Instagram account described

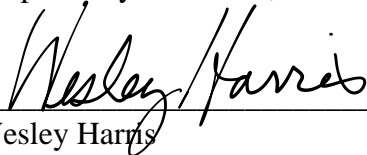
herein. There is probable cause to believe information associated with the Instagram account will assist law enforcement in the apprehension of BELVIN, who is aware of his wanted status and has not self-surrendered.

27. Based on the foregoing, I request the Court issue a search warrant commanding Instagram, LLC., to search the location described in Attachment A, and provide the information described in Attachment B.

**Request for Sealing**

28. I further request that the court order that all papers in support of this application, including this affidavit and the corresponding search warrant, be sealed until further order of the court. These documents discuss an on-going criminal investigation that is neither public nor known to all of the targets in the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley Harris", is written over a horizontal line.

Wesley Harris  
Postal Inspector  
United States Postal Inspection Service

Subscribed and sworn to before me on this the 7th day of September, 2018

A handwritten signature in black ink, appearing to read "Sarah W. Hays", is written over a horizontal line.

SARAH W. HAYS  
United States Magistrate Judge  
Western District of Missouri